

---

THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

---

MELANIE S. CALL,  
Plaintiff,  
v.  
SHC SERVICES, INC.,  
Defendant.

**ORDER ADOPTING [5] REPORT AND  
RECOMMENDATION**

Case No. 2:24-cv-00283-DBB-DAO

District Judge David Barlow

The Report and Recommendation issued by United States Magistrate Judge Daphne A. Oberg on April 25, 2024 recommends that the court deny Plaintiff Melanie Call's Motion to Proceed *in forma pauperis*.<sup>1</sup> The magistrate judge observed that “[u]nder 28 U.S.C. § 1915, a court may authorize the commencement of a lawsuit without prepayment of fees by a person who is unable to pay such fees.”<sup>2</sup> The magistrate then observed that Ms. Call reported that her spouse's gross monthly income exceeds 200% of the Federal Poverty Guidelines.<sup>3</sup> Accordingly, the magistrate recommended that the court deny Ms. Call's motion, and notified Ms. Call of her right to object to the Report and Recommendation within 14 days of its service pursuant to 28 U.S.C. § 636(b)(1).<sup>4</sup> Ms. Call did not object to the magistrate's decision. Therefore, the court reviews the Report and Recommendation for clear error.<sup>5</sup> Having done so, the court finds that

---

<sup>1</sup> ECF No. 5. For purposes of a magistrate judge's authority, the Tenth Circuit has held that the denial of *in forma pauperis* status is a dispositive matter. *See Gee v. Estes*, 829 F.2d 1005, 1007 (10th Cir. 1987); *Lister v. Dep't of Treasury*, 408 F.3d 1309, 1311–12 (10th Cir. 2005).

<sup>2</sup> ECF No. 5, at 1.

<sup>3</sup> *Id.* at 1–2.

<sup>4</sup> *Id.* at 2.

<sup>5</sup> *Johnson v. Progressive Leasing*, No. 2:22-cv-00052, 2023 WL 4044514, at \*2 (D. Utah June 16, 2023) (citing *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999)). “[A] party's objections to the magistrate judge's

the magistrate judge's analysis and conclusions are sound and no clear error appears on the face of the record.

Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation<sup>6</sup> is  
ADOPTED.

Signed June 4, 2024.

BY THE COURT



---

David Barlow  
United States District Judge

---

report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review." *Port City Props. v. Union Pac. R. Co.*, 518 F.3d 1186, 1190 n.1 (10th Cir. 2008) (alteration in original) (quoting *United States v. 2121 E. 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996)).

<sup>6</sup> ECF No. 5.